

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America,)	
)	CASE NO.: 5:09 CV 2897
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
Leroy H. Baker, Jr., dba Sugarcreek)	
Livestock Auction, Inc.,)	
)	
Defendant.)	

This case was referred to Magistrate Judge Limbert for general pre-trial supervision.

ECF 3. The United States filed a Motion for Summary Judgment (ECF20), which was not opposed.

Magistrate Judge Limbert issued a Report and Recommendation regarding the United States' Motion for Summary Judgment on September 29, 2010 (ECF 21), recommending that the Court grant the motion and issue judgment in favor of plaintiff, and order defendant to pay the judgment in the amount of \$172,621.66 (which includes the principal sum of \$162,800 from the civil penalty, the delinquent penalty of \$6,294.33 for failure to pay within ninety days which accrued from March 16, 2009 to November 3, 2009, and interest of \$3,527.33), plus the costs of this suit and additional interest that has accrued as of the date of the Court's judgment.

No objection have been filed to the Report and Recommendation.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of

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the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The Magistrate Judge's Report and Recommendation was filed on September 29, 2010.

The fourteen day period has elapsed and no objection have been filed.

The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. Accordingly, the United States Motion for Summary Judgment (ECF 20) is GRANTED. The Court will separately publish a Judgment Entry. The Clerk is directed to mail a copy of this Memorandum Opinion to the defendant at the defendant's address of record.

IT IS SO ORDERED.

October 27, 2010

Date

s/ David D. Dowd, Jr.

David D. Dowd, Jr.

U.S. District Judge